IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 7026 of 2004

Between:

1. Dadanagar Labour Colony Vasula Samkshema Sangham, Regd.No.429, Bhavanipuram, Vijayawada, Krishna District
   rep.by its President Shaik Suleman, S/o Masthan, aged about 50 years,
   R/o Bhavanipuram, Vijayawada, Krishna District.

2. Shaik Suleman, S/o Masthan,
   R/o Bhavanipuram, Vijayawada, Krishna District.

..... PETITIONERS

AND

1 The District Collector, Krishna Districtm, Machilipatnam, Krishna District.
2 The Sub-Collector, Vijayawada.
3 Mandal Revenue Officer (Urban) Mandal Revenue Office,

Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, or Order or direction more particularly in the nature of Writ of Mandamus declaring the failure of the respondents to resume land as per the Act 9 of 1977 in spite of the report by respondent No.3 as unconstitutional and consequently direct

the authorities to resume the land in survey No.26/2, 24/4, 35/1, 36/1, 37/1, 38/1 and 39/1, Bhavanipuram, Vijayawada, Krishna District as per the provisions of the Act 9 of 1977 and allot it to members of petitioner organization and pass such order or orders as deemed fit in the interest of justice.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court made the following at the stage of admission :

ORAL ORDER

The petitoner-Dadanagar Labour Colony Vasula Samshkema Sangham, claims to have been striving hard for the welfare of the poor people of Vijayawada in providing house site pattas to them, is invoking jurisdiction of this court under Article 226 of Constitution of India for resumption of the lands which were sold in violation of A.P. Assigned Lands (Prohibition and Transfer) Act,1977 (for short " the Act") and for making available the said lands to the members of the petitioner-Sangham for house site pattas.

The learned counsel for the petitioner contended that when the members of petitioner-Sangham made applications for providing house site pattas, the Collector, Krishna, at Machilipatnam in his proceedings D.E4/3002/92, dated 10-03-1993 informed the members of the association that no government land is available to be assigned in favour of the members of petitioner- Sangham, which prompted the petitioner-Sangham in filing the present writ petition complaining that the lands in an extent of Ac.8.92 cents, which were assigned on 16-12-1934, were in possession of the third parties in contravention of the Act and the same can be resumed and allotted to the petitioners. The proceedings dated 07-07-1991 of the Mandal Revenue Officer, Vijayawada (Urban) disclose that one Chimata Adinarayana Venkata Reddy and five others have filed Land Grabbing Case No.830 of 1991 against ten persons who are in unauthorized occupation of 611 square yards, but, the same can not be a ground for resumption of the land. Even if, there is any such violation of conditions of assignment, the land will revert back to the original assignee, but, cannot be resumed by the Government and allotted to the petitioner-association. In view of the same, I do not see any merits in the submission made by

the learned counsel for the petitioner-Sangham for issuing the direction as prayed for in the writ petition.

Accordingly, the writ petition is dismissed. No costs. However, it is made clear that if the petitioners are eligible to be assigned, it is open for them to approach the District Collector for allotment of any other alternative land, which is available.

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A.GOPAL REDDY,J

*TSNR/GHN

To

1 The District Collector, Krishna District, Machilipatnam, Krishna District.
2 The Sub-Collector, Vijayawada.
3 Mandal Revenue Officer (Urban) Mandal Revenue Office,

Vijayawada.

4. Two C.D.Copies